

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWIN R. BURWELL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: April 22, 2013

12 Civ. 2462 (PAC) (MHD)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

HONORABLE PAUL A. CROTTY, United States District Judge:

On March 30, 2012, pro se Plaintiff Edwin Burwell¹ filed a Complaint pursuant to 42 U.S.C. § 405(g) challenging the Social Security Administration's ("SSA") denial of his application for disability insurance benefits. On May 4, 2012, the Court referred the matter to Magistrate Judge Michael Dolinger. Plaintiff filed an Amended Complaint on July 2, 2012. On September 17, 2012, Defendant filed an answer and materials from the administrative record of proceedings before the SSA. Defendant moved to remand the matter to the SSA on December 5, 2012. Plaintiff's letter, dated November 28, 2012 (and entered on the docket December 10, 2012), opposed remand, but Plaintiff did not formally respond to Defendant's motion. On January 18, 2013, Magistrate Judge Dolinger issued a Report and Recommendation ("R&R") that Defendant's motion to remand the case for further consideration by the SSA be granted. (ECF No. 25.)

The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court may adopt those portions of the R&R to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). After being served with a copy of the magistrate judge's recommended

¹ The Report and Recommendation incorrectly refers to Plaintiff as "Erwin."

disposition, a party has fourteen days to file specific written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Failure to file timely objections to a report and recommendation results in waiver of those objections. See Thomas v. Arn, 474 U.S. 140, 155 (1985).

As of the date of this Order, the Court has not received any objections to the R&R. Thus, the Court reviews the R&R for clear error. Having found none, the Court hereby adopts the R&R in full. Defendant's motion to remand this matter to the SSA for further consideration is GRANTED. The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: New York, New York
April 22, 2013

SO ORDERED



PAUL A. CROTTY
United States District Judge

Copies mailed by chambers to:

Mr. Edwin Ramon Burwell
P.O. Box 157
Henderson, NC 27536

Mr. Edwin Ramon Burwell
16 East 116th Street, #3A
New York, NY 10029